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No. 66

In the Supreme Court of the United States

OCTOBER TERM, 1928

UNITED STATES OF AMERICA, APPELLANT

v.

HARRY M. WURZBACH

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

STATEMENT OF JURISDICTION

U. S. GOVERNMENT PRINTING OFFICE: 1929

In the Supreme Court of the United States

OCTOBER TERM, 1928

No. 845

UNITED STATES OF AMERICA, APPELLANT

v.

HARRY M. WURZBACH

APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

STATEMENT OF JURISDICTION

In compliance with Rule 12 of this Court, appellant submits herewith its statement showing the basis of this Court's jurisdiction in the above-entitled cause:

A

STATUTORY PROVISIONS

The statutory jurisdiction of this Court to review by direct appeal the judgment here complained of is conferred by the Act of March 2, 1907, c. 2564, 34 Stat. 1246 (U. S. C., Title 18, Sec. 682), otherwise known as the Criminal Appeals Act.

B

DATES OF JUDGMENT AND APPLICATION FOR APPEAL

The judgment to be reviewed was entered on March 23, 1929. (R. 13.) The application for appeal was made on April 4, 1929, and allowed on the same day. (R. 21.)

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C

NATURE OF THE CASE

The indictment charged defendant as a Representative in Congress with receiving and being concerned with receiving political contributions from certain-named Federal officeholders. (R. 3.) A motion to quash the indictment was sustained on the ground that the indictment charged that the political contributions were to be used for primary-election purposes, and that the statute upon which the indictment was bedded was not intended to cover such contributions, and that if it did, the statute was for that reason probably unconstitutional. (R. 13 and 14.)

D

CASES SUSTAINING JURISDICTION

United States v. *Behrman*, 258 U. S. 280.
United States v. *Patten*, 226 U. S. 525.
United States v. *Birdsall*, 233 U. S. 223.

Respectfully submitted.

WILLIAM D. MITCHELL,
Attorney General.
O. R. LUHRING,
Assistant Attorney General.
ALFRED A. WHEAT,
Special Assistant to the Attorney General.
HARRY S. RIDGELY,
Attorney.

MAY, 1929.

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